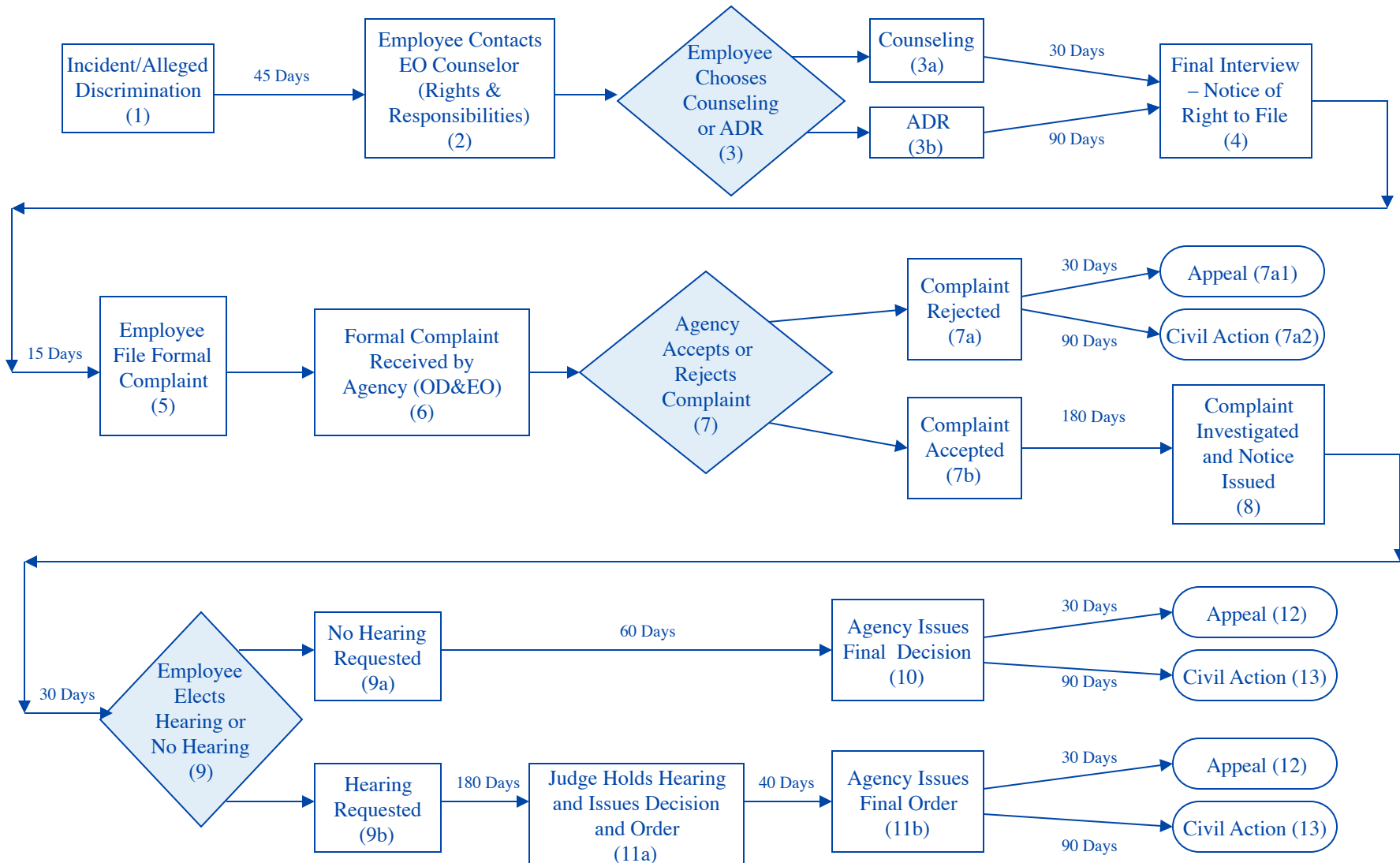


Federal Sector Discrimination Complaints Process for Individuals



Note: Employees may request ADR at any stage of the complaints process.

Federal Sector Discrimination Complaints Process for Individuals

- (1) Incident/Alleged Discrimination – Agency is responsible for posting information regarding the EO process: the employee is responsible for understanding the discrimination complaints process.
- (2) Employee is responsible for contacting an Equal Opportunity (EO) Counselor to file a complaint of discrimination within 45 days of the date of the incident. The EO Counselor is responsible for informing the employee of his/her rights and responsibilities during the process.
- (3) The employee can choose to have EO Counseling or to utilize Alternative Dispute Resolution (ADR) during the informal process.
- (3a) If the employee elects EO Counseling, there is a 30 day timeframe for the counseling.
- (3b) If the employee elects ADR, the informal processing period is 90 days.
- (4) The EO Counselor is responsible for conducting a final interview with the employee; the employee is informed of his/her right to file a formal complaint.
- (5) The employee is responsible for filing a formal complaint with the Agency (office of Diversity and Equal Opportunity) within 15 days after his/her receipt of the notice of right to file.
- (6) The Office of Diversity and Equal Opportunity is responsible for the receipt of the complaint.
- (7) The OD&EO is responsible for the acceptance or dismissal of the complaint.
- (7a) If the complaint is rejected the employee is responsible for appealing the decision to EEOC within 30 days (7a1) or filing a civil action within 90 days (7a2).
- (7b) All accepted complaints will be investigated.
- (8) The Agency is responsible for investigating the complaint and issuing a notice of right to elect a hearing within 180 days of the date of filing.
- (9) The employee must make an election within 30 days from receipt of the investigative report.
- (10) If the employee does not request a hearing, the Agency is responsible for issuing a final agency decision within 60 days.
- (11a) If the employee requests a hearing, the Administrative Judge (AJ) is responsible for issuing a decision and order within 180 days of the request for hearing.
- (11b) When the AJ issues a decision the Agency is responsible for issuing a final order within 40 days of receipt of the AJ's decision.
- (12) The employee is responsible for appealing the decision to EEOC within 30 days of receipt of the final agency decision or final order.
- (13) The employee is responsible for filing civil action within 90 days of receipt of the final agency decision or final order.

Note: In all cases, timelines must be adhered to by the employee, EO Counselor, Mediator, Center, and Agency.
Also, employees may request ADR at any stage of the complaints process.